

REMARKS

Claims 1-9 are pending in the present application. Claims 1 and 2 have been amended as a result of this response. New claims 8 and 9 have been added, no claims have been canceled. Applicants respectfully submit that independent claims 1-2 and 8-9 and dependent claims 3-7 stand in condition for allowance

I. Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-2 and 5

The Examiner has rejected claims 1-2 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Takayama (U.S. Patent No. 6,573,933) in view of Weldy (U.S. Patent 6,771,311). Applicants respectfully traverse the rejection.

Takayama describes an image processing method in which the perceived brightness is adjusted to reduce the affect of flicker (Column 4, lines 48-50). The perceived brightness of an image is called luminance. Takayama describes a process by which the luminance of a picture is adjusted so that flickers are suppressed. Takayama fails to discuss individual color components.

The Examiner asserts that Takayama fails to teach amplifying color components of an image according to given gains of individual color components and calculating individual color components. Therefore, Takayama fails to teach or disclose a “signal amplifying means for amplifying, as to the image signal supplied from said solid-state image pickup device, all pixels of color components of an image according to given *gains of the individual color components*” (claim 1). Also, Takayama fails to teach or disclose an “average value calculating means for calculating average values of pixel values of *individual color components* constituting an image of each frame generated by said signal amplifying means” (claim 1).

Weldy describes a color saturation enhancement method that uses both luminance and chrominance to correct a single image. Specifically, the method of Weldy calculates the luminance, or perceived brightness, of the image and the chrominance, difference of a color against the brightness of another color which appears white under similar viewing conditions. Based on the luminance and chrominance, the image can be adjusted so that colors are not saturated. Weldy does not discuss determining the average value of the luminance or

chrominance over time a period of time, rather Weldy describes a method that processes only a single image. The process of Weldy does not compensate for variations in color over time or due to the problem of flicker.

Therefore, Takayama and Weldy fail to teach or disclose “gain calculating means for calculating gains by comparing the average values of the pixel values of the *individual color components* of the image of each frame calculated by said average value calculating means for all the frames in one cycle of flicker generation, calculating maximum values using the average values for all the frames in one cycle of flicker generation, calculating gains according to the maximum values for adjusting the average values to a maximum range, and for outputting the gains as gains of the individual color components to be supplied to said signal amplifying means” (claim 1). Takayama and Weldy similarly fail to teach or disclose claim 2.

In addition, Applicant’s traverse the Examiner’s Official Notice that it is common knowledge in the art to cease acquiring new data when the data becomes demonstrably out of range. Since claim 5 is dependant upon claim 2 and the references do not teach all the claimed elements, claim 5 is allowable at least by virtue of its dependency.

Weldy does not remedy the noted deficiencies of Takayama. Therefore, the asserted combination of Takayama and Weldy (assuming these references may be combined, which Applicants do not admit) fails to establish *prima facie* obviousness of any pending claim. Accordingly, for at least these reasons, claims 1 and 2 are clearly distinguishable over Takayama in view of Weldy. Applicants submit that claim 5 is allowable at least by virtue of its dependency on claim 2. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim3

The Examiner has rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Weldy further in view of Stoll (U.S. Patent Publication No. 2005/0062625). Applicants respectfully traverse the rejection.

Stoll does not remedy the noted deficiencies of Takeyama and Weldy. Stoll is only relied upon to teach dependent claim features. This reliance on Stoll fails to make up for the deficiencies of Takeyama and Weldy discussed above with respect to independent claims 1 and

2. Therefore, the asserted combination of Takeyama in view of Weldy and further in view of Stoll (assuming these references may be combined, which Applicants do not admit) fails to establish *prima facie* obviousness of any pending claim.

Accordingly, Applicants submit that claim 3 is allowable at least by virtue of its dependency on claim 2. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 4 and 6-7

The Examiner has rejected claims 4 and 6-7 under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Weldy further in view of Kim (U.S. Patent Publication No. 2004/0080630). Applicants respectfully traverse the rejection.

Kim does not remedy the noted deficiencies of Takeyama and Weldy. Kim is only relied upon to teach dependent claim features. This reliance on Kim fails to make up for the deficiencies of Takeyama and Weldy discussed above with respect to independent claims 1 and 2. Therefore, the asserted combination of Takeyama in view of Weldy and further in view of Kim (assuming these references may be combined, which Applicants do not admit) fails to establish *prima facie* obviousness of any pending claim.

Accordingly, Applicants submit that claims 4 and 6-7 are allowable at least by virtue of their dependency on claim 2. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

II. New Claims

New claims 8 and 9 have been added.

III. Conclusion

All matters having been addressed in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicants' undersigned representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains an issue in which

Application No. 10/567,251
Amendment dated April 14, 2009
Reply to Office Action of January 14, 2009

Docket No.: 1163-0550PUS1

the Examiner feels would be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account No. 02-2448. The Commissioner for Patents is also authorized to credit any overpayments to the above-referenced deposit account.

Dated: April 14, 2009

Respectfully submitted,

#40,439

By

Michael K. Mutter

Registration No.: 29,680

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicants